

# REAL ESTATE APPRAISER BOARD

## MINUTES OF MEETING

February 26, 2008

The Real Estate Appraiser Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

John C. Harry, III, Chairman  
Gina Burgin  
Harry Lewis, Jr.  
Richard Pruitt  
Janet W. Fuller  
Pat Turner, Jr.  
Diane Quigley  
Sandra Johnson

Board member not present: Douglas Mullins, Jr.

DPOR Staff present for all or part of the meeting included:

Jay W. DeBoer, Director  
Saba Shami, Chief Deputy  
Mark Courtney, Deputy Director  
Nick Christner, Deputy Director  
Christine Martine, Executive Director  
Bonnie Rhea Adams, Director of Complaint  
Analysis & Resolution  
Kevin Hoeft, Regulatory Board Administrator  
Earlyne Perkins, Legal Analyst  
Emily Trent, Administrative Assistant

Steven Jack from the Attorney General's office was present.

Chairman Harry called the meeting to order at 10:10 AM.

**Call to Order**

A motion was made by Ms. Quigley and seconded by Mr. Turner to approve the agenda. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller, Quigley and Turner.

**Approval of Agenda**

A motion was made by Mr. Lewis and seconded by Mr. Turner to

**Approval of Minutes**

approve the following minutes: November 26, 2007 Informal Fact-Finding Conference, November 27, 2007 Board Meeting, January 9, 2008 Informal Fact-Finding Conference, and January 29, 2008 Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller, Quigley and Turner.

George Dodd addressed the Board during the Public Comment Period and presented the Board with a petition regarding the use of electronic portals by real estate appraisers.

**Public Comment**

Jayne Allen addressed the Board during the Public Comment Period concerning BPOs (broker price opinions) and valuation of real property.

No action was taken by the Board.

In the matter of **File Number 2007-02433, Roberto G. Lovick, Sr.**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. A motion was made by Mr. Pruitt and seconded by Mr. Turner to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find violations of 18 VAC 130-20-180 D

**File Number 2007-02433,**  
**Roberto G. Lovick, Sr.**

(2 violations) of the Board's 2003 Regulations (Count 1), 18 VAC 130-20-180 D (2 violations) of the Board's 2003 Regulations (Count 2), 18 VAC 130-20-180 E (2 violations) of the Board's 2003 Regulations (Count 3), 18 VAC 130-20-180 D (2 violations) of the Board's 2003 Regulations (Count 4), 18 VAC 130-20-180 D (2 violations) of the Board's 2003 Regulations (Count 5), 18 VAC 130-20-180 D (2 violations) of the Board's 2003 Regulations (Count 6), 18 VAC 130-20-180 D (2 violations) of the Board's 2003 Regulations and no violation of 18 VAC 130-20-180 E (Count 8) and impose \$300.00 for each violation contained in Counts 1-7 for a total of \$4,200.00. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller, Quigley and Turner.

A motion was made by Mr. Turner and seconded by Mr. Pruitt to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose probation of Lovick's license for a period of two (2) years; license suspension for a period of

180 days. In addition, Lovick is required to take an upper level Residential Appraisal Course. Such course shall be offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of 30 classroom hours and shall not be completed on-line. Upon successful completion of the course, Lovick shall provide the Board with proof of passing the exam within 180 days of the execution of the Order. Such education hours shall not count towards license renewal and; Lovick is required to provide to the Board three (3) appraisal reports every three (3) months until the probationary period has concluded. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller, Quigley and Turner.

In the matter of **File Number 2007-03991, Vicky Anh Trang**, the Board reviewed the Consent Order as seen and agreed to by Ms. Trang. A motion was made by Mr. Lewis and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Trang admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1 as well as \$150.00 in Board costs for a total of \$650.00. In addition, for violation of Count 1, Trang is required to take an upper level Residential Appraisal Course. Such course shall be offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of 32 classroom hours and shall not be completed on-line. Upon successful completion of the course, Trang shall provide the Board with proof of passing the exam within 180 days of the execution of the Order. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. The motion passed by majority vote. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, and Fuller. Member voting "No" was Quigley.

**File Number 2007-03991,**  
**Vicky Anh Trang**

As the board member who reviewed the file, Mr. Turner did not participate in the discussion or vote related to this matter

In the matter of **File Number 2007-01697, Wendy Faith Coates**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. A motion was made by Mr. Pruitt

**File Number 2007-01697,**  
**Wendy Faith Coates**

and seconded by Ms. Fuller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180 E (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller and Turner.

A motion was made by Mr. Lewis and seconded by Mr. Pruitt to accept the recommendation of the monetary penalty of \$150.00 for the violation contained in Count 1 for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller and Turner.

As the presiding Board member, Ms. Quigley did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2007-00817, Lennox Samuel Westney**, the Board reviewed the investigative file, the transcript, and the Summary of the Informal Fact-Finding Conference. Mr. Westney was present and addressed the Board. A motion was made by Mr. Lewis and seconded by Ms. Fuller to remand the case back to staff for an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller and Turner.

**File Number 2007-00817,**  
**Lennox Samuel Westney**

As the board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote related to this matter

In the matter of **File Number 2007-01319, Lennox Samuel Westney**, the Board reviewed the investigative file, the transcript, and the Summary of the Informal Fact-Finding Conference. Mr. Westney was present and addressed the Board. A motion was made by Mr. Lewis and seconded by Ms. Fuller to remand the case back to staff for an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller and Turner.

**File Number 2007-01319,**  
**Lennox Samuel Westney**

As the board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote related to this matter

In the matter of **File Number 2008-02219, Douglas Wayne Persinger**, the Board reviewed the record, which consisted of the

**File Number 2008-02219,**  
**Douglas Wayne Persinger**

application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Persinger was present and addressed the Board. A motion was made by Mr. Turner and seconded by Mr. Lewis to accept the recommendation with a noted correction to the Informal Fact-Finding Conference Referral Memo of the regulation requirement to be 18 VAC 130-20-30.10 and approve Mr. Persinger's application for a Certified Residential Real Estate Appraiser license. The motion passed by unanimous vote. Members voting "Yes" were Burgin, Lewis, Turner, Johnson, Mullins and Pruitt.

As the presiding Board member, Ms. Quigley did not participate in the discussion or vote related to this matter.

Ms. Fuller recused herself from voting in this matter due to a potential conflict of interest.

In the matter of **File Number 2008-02220, Douglas Wayne Persinger**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180 K 5 (Count 1) of the Board's 2003 Regulations. The motion passed by unanimous vote. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt and Turner.

**File Number 2008-02220,**  
**Douglas Wayne Persinger**

Ms. Fuller recused herself from voting in this matter due to a potential conflict of interest.

A motion was made by Mr. Pruitt and seconded by Mr. Lewis to accept the recommendation of the monetary penalty of \$350.00 for the violation contained in Count 1 for a total of \$350.00. The motion passed by unanimous vote. Members voting "Yes" were Burgin, Johnson, Lewis, Harry and Pruitt.

As the presiding Board member, Ms. Quigley did not participate in the discussion or vote related to this matter.

Ms. Fuller recused herself from voting in this matter due to a potential conflict of interest and Mr. Turner abstained from voting in

this matter.

The Board recessed from 11:10AM to 11:25AM

**Break**

Ms. Martine gave the Board an update on the status of the Regulations. No action was taken by the Board.

**Regulation Update**

Director Jay DeBoer took the opportunity to introduce the Board members to Saba Shami, Chief Deputy and Mark Courtney, Deputy Director.

**Introductions**

Jack Harry opened the floor for nominations for the position of Chair of the Real Estate Appraiser Board. Harry Lewis nominated Diane Quigley for the position and Pat Turner seconded the nomination. With no other nominations, Ms. Quigley succeeds to the position of Chair.

**Election of Officers**

Pat Turner nominated Harry Lewis for Vice Chair and Janet Fuller seconded the nomination. With no other nominations, Mr. Lewis remains Vice Chair by acclamation.

The Board discussed the petition received during public comment regarding the alteration of appraisal reports transmitted through electronic portals. The Board decided to treat the petition received as a petition for rulemaking pursuant to §2.2-4007 of the Code of Virginia.

**Administrative Issues**

No action was taken by the Board.

Mr. DeBoer updated the Board on new Legislation being considered during the 2008 General Assembly. Mr. DeBoer also invited everyone to attend the upcoming Foreclosure Prevention Task Force meeting.

**New Business**

There being no further business, the meeting adjourned at 12:10 P.M.

**Adjourn**

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Diane Quigley, Chair

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Jay W. DeBoer, Secretary

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